

REMARKS

The Office Action dated January 22, 2009 has been received and carefully studied.

The Examiner maintains the rejection of claims 1, 4-5, 7 and 9 under 35 U.S.C. §102(b) as being anticipated by Hotta et al., JP '935. The Examiner also rejects claims 1-9 (sic, claims 1 and 4-9) under 35 U.S.C. §103(a) as being unpatentable over Hotta et al. The Examiner

By the accompanying amendment, claim 1 has been amended to recite a method of controlling fleas parasitic on a companion animal with low toxicity against the companion animal, comprising applying or administering to the companion animal a flea-killing effective amount of an N-substituted indole derivative. Support for the amendment can be found on page 13 of the specification, for example.

The claimed invention as amended relates to a method of controlling fleas on a companion animal, by applying or administering as an active ingredient an N-substituted indole derivative of formula (I) wherein X is N or C-Cl; Y is a C1-C3 alkyl group substituted by a halogen atom(s); R1 is a C1-C3 alkyl group substituted by a halogen atom(s); R2, R3 and R4 are independently a hydrogen atom, a C1-C3 alkyl group optionally substituted by a halogen atom(s), or a halogen atom; m is 0, 1 or 2; and n is 1. Thus, the claimed invention uses the

extremely limited N-substituted indole derivative of formula (I), which is fully supported by Compounds 14, 17 and 25 listed in Table 1 and used in Test Examples 1 and 2 of the present specification. Compounds 14, 17 and 25 are specifically recited in the instant claim 4.

The data of Test Examples 1 and 2 demonstrate that Compounds 14, 17 and 25 have low toxicity to mouse and cat, while these compounds have high insecticidal activity against cat flea as demonstrated in Examples 4 and 5 of the present specification.

In the meantime, the inventions of claims 6 to 9 relate to applying a shampoo or rinse for controlling fleas, or applying a percutaneous preparation comprising liquid drops for controlling fleas, all of which use the extremely limited N-substituted indole derivative of formula (I) as discussed above.

Hotta et al. neither teach nor suggest that the application or administration of the N-substituted indole derivatives of formula (I) recited in amended claim 1 have low toxicity to mouse and cat, while they have high insecticidal activity against flea. Hotta et al. teach at paragraphs [0017] to [0019] that the indole derivatives can be mixed with a liquid carrier, an emulsifier, a dispersant, or a disintegrator among other excipients.

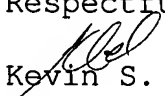
However, Hotta et al. describe at paragraphs [0016] to [0017] that the indole can be mixed with agricultural-chemicals adjuvants such as a liquid carrier, an emulsifier, a dispersant, a disintegrator and the like. Thus, Hotta et al. teach that a liquid carrier, an emulsifier, a dispersant, a disintegrator and the like are used as agricultural-chemicals adjuvants.

On the other hand, the application of a shampoo or rinse or the percutaneous preparation comprising liquid drops as claimed in claims 6-9 are used for controlling fleas. Therefore, the methods of claims 6-9 are fundamentally different from the teachings of Hotta et al. at paragraphs [0016] to [0019].

Furthermore, Hotta et al. neither teach nor suggest the use of the N-substituted indole derivatives of formula (I) recited in amended claim 1 and having low toxicity to companion animals, while having high insecticidal activity against flea.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,

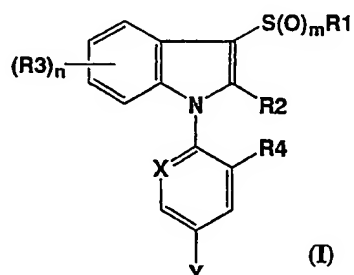

Kevin S. Lemack
Reg. No. 32,579
176 E. Main Street - Suite 5
Westboro, Massachusetts 01581
TEL: (508) 898-1818

Amendment to the claims

This listing of claims replaces all prior versions, and listings, of claims in the application.

Listing of claims:

1. (Currently amended) A method of controlling fleas parasitic on a companion animal with low toxicity against said companion animal, comprising applying or administering to said companion animal ~~flea control agent comprising~~ a flea-killing effective amount of an N-substituted indole derivative represented by general formula (I):



wherein X is N or C-Cl; Y is a C1-C3 alkyl group substituted by a halogen atom(s); R1 is a C1-C3 alkyl group substituted by a halogen atom(s); R2, R3 and R4 are independently a hydrogen atom, a C1-C3 alkyl group optionally substituted by a halogen atom(s), or; m is 0, 1 or 2; and n is 1.

2. (Cancelled)

3. (Cancelled)

4. (Currently amended) ~~A flea control agent~~ The method according to claim 1, wherein the compound of general formula (I) is 1-(3-chloro-5-trifluoromethylpyridin-2-yl)-3-(dichlorofluoromethyl-

thio)indole, 1-(2,6-dichloro-4-trifluoromethylphenyl)-3-(dichlorofluoromethylthio)indole or 1-(2,6-dichloro-4-trifluoromethylphenyl)-3-(trifluoromethylthio)indole.

5. (Currently amended) ~~A flea control agent~~ The method according to claim 1 or 4, wherein the fleas to be controlled are fleas parasitic on companion animals.

6. (Currently amended) ~~A shampoo or rinse for controlling fleas comprising the flea control agent~~ The method according to 1 or 4, wherein said N-substituted indole derivative is applied to said companion animal in a shampoo or rinse form.

7. (Currently amended) ~~A percutaneous preparation comprising liquid drops for controlling fleas, comprising the flea control agent~~ The method according to claim 1 or 4, wherein said N-substituted indole derivative is applied to said companion animal in a percutaneous preparation form containing liquid drops.

8. (Currently amended) ~~A shampoo or rinse for controlling fleas comprising the flea control agent~~ The method according to claim 5, wherein said N-substituted indole derivative is applied to said companion animal in a shampoo or rinse form.

9. (Currently amended) ~~A percutaneous preparation comprising liquid drops for controlling fleas, comprising the flea control agent~~ The method according to claim 5, wherein said N-substituted indole derivative is applied to said companion animal in a percutaneous preparation form containing liquid drops.